

REFERENCE TITLE: schools; test scores; academic gains

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1522

Introduced by
Senator Huppenthal

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).

20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:

24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.

27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education. THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE
31 DEPARTMENT SHALL CALCULATE ACADEMIC GAIN ON THE ARIZONA INSTRUMENT TO MEASURE
32 STANDARDS TEST ACCORDING TO EACH OF THE SCHOOL CLASSIFICATIONS PRESCRIBED IN
33 SUBSECTION G OF THIS SECTION ON A STATEWIDE BASIS, FOR EACH SCHOOL DISTRICT
34 IN THIS STATE AND FOR EACH SCHOOL BY DETERMINING THE AVERAGE STUDENT SCALE
35 SCORE FOR EACH ACADEMIC YEAR COMPARED TO THE AVERAGE STUDENT SCALE SCORE FOR
36 THE PREVIOUS ACADEMIC YEAR.

37 3. The results of English language learners tests administered
38 pursuant to section 15-756, subsection B, section 15-756.05 and section
39 15-756.06.

40 E. The achievement profile for schools that offer instruction in
41 grades nine through twelve, or any combination of those grades, shall include
42 the following school academic performance indicators:

43 1. The Arizona instrument to measure standards test. The department
44 shall compute the percentage of pupils pursuant to subsection F of this
45 section who meet or exceed the standard on the Arizona instrument to measure

1 standards test, as prescribed by the state board of education. THE
2 SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE DEPARTMENT SHALL CALCULATE
3 ACADEMIC GAIN ON THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST ACCORDING
4 TO EACH OF THE SCHOOL CLASSIFICATIONS PRESCRIBED IN SUBSECTION G OF THIS
5 SECTION ON A STATEWIDE BASIS, FOR EACH SCHOOL DISTRICT IN THIS STATE AND FOR
6 EACH SCHOOL BY DETERMINING THE AVERAGE STUDENT SCALE SCORE FOR EACH ACADEMIC
7 YEAR COMPARED TO THE AVERAGE STUDENT SCALE SCORE FOR THE PREVIOUS ACADEMIC
8 YEAR.

9 2. The annual dropout rate.

10 3. The annual graduation rate.

11 4. The results of English language learners tests administered
12 pursuant to section 15-756, subsection B, section 15-756.05 and section
13 15-756.06.

14 F. Subject to final adoption by the state board of education, the
15 department shall determine the criteria for each school classification using
16 a research based methodology. The methodology shall include the performance
17 of pupils at all achievement levels, account for pupil mobility, account for
18 the distribution of pupil achievement at each school and include longitudinal
19 indicators of academic performance. For the purposes of this subsection,
20 "research based methodology" means the systematic and objective application
21 of statistical and quantitative research principles to determine a standard
22 measurement of acceptable academic progress for each school.

23 G. The achievement profile shall be used to determine a school
24 classification that designates each school as one of the following:

25 1. An excelling school.

26 2. A highly performing school.

27 3. A performing school.

28 4. An underperforming school.

29 5. A school failing to meet academic standards.

30 H. The classification for each school and the criteria used to
31 determine classification pursuant to subsection F of this section shall be
32 included on the school report card prescribed in section 15-746.

33 I. Subject to final adoption by the state board of education, the
34 department of education shall develop a parallel achievement profile for
35 accommodation schools, alternative schools as defined by the state board of
36 education and schools with a student count of fewer than one hundred pupils.

37 J. If a school is designated as an underperforming school, within
38 ninety days after receiving notice of the designation, the governing board
39 shall develop an improvement plan for the school, submit a copy of the plan
40 to the superintendent of public instruction and supervise the implementation
41 of the plan. The plan shall include necessary components as identified by
42 the state board of education. Within thirty days after submitting the
43 improvement plan to the superintendent of public instruction, the governing
44 board shall hold a special public meeting in each school that has been
45 designated as an underperforming school and shall present the respective

1 improvement plans that have been developed for each school. The school
2 district governing board, within thirty days of receiving notice of the
3 designation, shall provide written notification of the classification to each
4 residence within the attendance area of the school. The notice shall explain
5 the improvement plan process and provide information regarding the public
6 meeting required by this subsection.

7 K. A school that has not submitted an improvement plan pursuant to
8 subsection J of this section is not eligible to receive monies from the
9 classroom site fund established by section 15-977 for every day that a plan
10 has not been received by the superintendent of public instruction within the
11 time specified in subsection J of this section plus an additional ninety
12 days. The state board of education shall require the superintendent of the
13 school district to testify before the board and explain the reasons that an
14 improvement plan for that school has not been submitted.

15 L. If a charter school is designated as an underperforming school,
16 within thirty days the school shall notify the parents of the students
17 attending the school of the classification. The notice shall explain the
18 improvement plan process and provide information regarding the public meeting
19 required by this subsection. Within ninety days of receiving the
20 classification, the charter holder shall present an improvement plan to the
21 charter sponsor at a public meeting and submit a copy of the plan to the
22 superintendent of public instruction. The improvement plan shall include
23 necessary components as identified by the state board of education. For
24 every day that an improvement plan is not received by the superintendent of
25 public instruction, the school is not eligible to receive monies from the
26 classroom site fund established by section 15-977 for every day that a plan
27 has not been received by the superintendent of public instruction within the
28 time specified in subsection J of this section plus an additional ninety
29 days. The charter holder shall appear before the sponsoring board and
30 explain why the improvement plan has not been submitted.

31 M. The department of education shall establish an appeals process, to
32 be approved by the state board of education, for a school to appeal data used
33 to determine the achievement profile of the school. The criteria established
34 shall be based on mitigating factors and may include a visit to the school
35 site by the department of education.

36 N. If a school remains classified as an underperforming school for a
37 third consecutive year, the department of education shall visit the school
38 site to confirm the classification data and to review the implementation of
39 the school's improvement plan. The school shall be classified as failing to
40 meet academic standards unless an alternate classification is made after an
41 appeal pursuant to subsection M of this section.

42 O. The school district governing board, within thirty days of
43 receiving notice of the school failing to meet academic standards
44 classification, shall provide written notification of the classification to
45 each residence in the attendance area of the school. The notice shall

1 explain the improvement plan process and provide information regarding the
2 public meeting required by subsection R of this section.

3 P. The superintendent of public instruction, based on need, shall
4 assign a solutions team to an underperforming school, a school failing to
5 meet academic standards or any other school pursuant to a mutual agreement
6 between the department of education and the school comprised of master
7 teachers, fiscal analysts and curriculum assessment experts who are certified
8 by the state board of education as Arizona academic standards technicians.
9 The department of education may hire or contract with administrators,
10 principals and teachers who have demonstrated experience with the
11 characteristics and situations in an underperforming school or a school
12 failing to meet academic standards and may use these personnel as part of the
13 solutions team. The department of education shall work with staff at the
14 school to assist in curricula alignment and shall instruct teachers on how to
15 increase pupil academic progress, considering the school's achievement
16 profile. The solutions team shall consider the existing improvement plan to
17 assess the need for changes to curriculum, professional development and
18 resource allocation and shall present a statement of its findings to the
19 school administrator and district superintendent. Within forty-five days
20 after the presentation of the solutions team's statement of findings, the
21 school district governing board, in cooperation with each school within the
22 school district that is designated an underperforming school and its assigned
23 solutions team representative, shall develop and submit to the department of
24 education an action plan that details the manner in which the school district
25 will assist the school as the school incorporates the findings of the
26 solutions team into the improvement plan. The department of education shall
27 review the action plan and shall either accept the action plan or return the
28 action plan to the school district for modification. If the school district
29 does not submit an approved action plan within forty-five days, the state
30 board of education may direct the superintendent of public instruction to
31 withhold up to ten per cent of state monies that the school district would
32 otherwise be entitled to receive each month until the plan is submitted to
33 the department of education, at which time those monies shall be returned to
34 the school district.

35 Q. The parent or the guardian of the pupil may apply to the department
36 of education, in a manner determined by the department of education, for a
37 certificate of supplemental instruction from the failing schools tutoring
38 fund established by this section. Pupils attending a school designated as an
39 underperforming school or a school failing to meet academic standards or a
40 pupil who has failed to pass one or more portions of the Arizona instrument
41 to measure standards test in grades eight through twelve in order to graduate
42 from high school may select an alternative tutoring program in academic
43 standards from a provider that is certified by the state board of education.
44 To qualify, the provider must state in writing a level of academic
45 improvement for the pupil that includes a timeline for improvement that is

1 agreed to by the parent or guardian of the pupil. The state board of
2 education shall annually review academic performance levels for providers
3 certified pursuant to this subsection and may remove a provider at a public
4 hearing from an approved list of providers if that provider fails to meet its
5 stated level of academic improvement. The state board of education shall
6 determine the application guidelines and the maximum value for each
7 certificate of supplemental instruction. The state board of education shall
8 annually complete a market survey in order to determine the maximum value for
9 each certificate of supplemental instruction. Nothing in this subsection
10 shall be construed to require the state to provide additional monies beyond
11 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

12 R. Within sixty days of receiving notification of designation as a
13 school failing to meet academic standards, the school district governing
14 board shall evaluate needed changes to the existing improvement plan for the
15 school, consider recommendations from the solutions team, submit a copy of
16 the plan to the superintendent of public instruction and supervise the
17 implementation of the plan. Within thirty days after submitting the
18 improvement plan to the superintendent of public instruction, the governing
19 board shall hold a public meeting in each school that has been designated as
20 a school failing to meet academic standards and shall present the respective
21 improvement plans that have been developed for each school.

22 S. A school that has not submitted an improvement plan pursuant to
23 subsection R of this section is not eligible to receive monies from the
24 classroom site fund established by section 15-977 for every day that a plan
25 has not been received by the superintendent of public instruction within the
26 time specified in subsection R of this section plus an additional ninety
27 days. The state board of education shall require the superintendent of the
28 school district to testify before the board and explain the reasons that an
29 improvement plan for that school has not been submitted.

30 T. If a charter school is designated as a school failing to meet
31 academic standards, the department of education shall immediately notify the
32 charter school's sponsor. The charter school's sponsor shall either take
33 action to restore the charter school to acceptable performance or revoke the
34 charter school's charter. Within thirty days the school shall notify the
35 parents of the students attending the school of the classification and of any
36 pending public meetings to review the issue.

37 U. A school that has been designated as a school failing to meet
38 academic standards shall be evaluated by the department of education to
39 determine if the school failed to properly implement its school improvement
40 plan, align the curriculum with academic standards, provide teacher training,
41 prioritize the budget or implement other proven strategies to improve
42 academic performance. After visiting the school site pursuant to subsection
43 N of this section, the department of education shall submit to the state
44 board of education a recommendation to proceed pursuant to subsections P, Q
45 and R of this section or that the school be subject to a public hearing to

1 determine if the school failed to properly implement its improvement plan and
2 the reasons for the department's recommendation.

3 V. If the department does recommend a public hearing, the state board
4 of education shall meet and may provide by a majority vote at the public
5 hearing for the continued operation of the school as allowed by this
6 subsection. The state board of education shall determine whether
7 governmental, nonprofit and private organizations may submit applications to
8 the state board to fully or partially manage the school. The state board's
9 determination shall include:

10 1. If and to what extent the local governing board may participate in
11 the operation of the school including personnel matters.

12 2. If and to what extent the state board of education shall
13 participate in the operation of the school.

14 3. Resource allocation pursuant to subsection X of this section.

15 4. Provisions for the development and submittal of a school
16 improvement plan to be presented in a public meeting at the school.

17 5. A suggested time frame for the alternative operation of the school.

18 W. The state board shall periodically review the status of a school
19 that is operated by an organization other than the school district governing
20 board to determine whether the operation of the school should be returned to
21 the school district governing board. Before the state board makes a
22 determination, the state board or its designee shall meet with the school
23 district governing board or its designee to determine the time frame,
24 operational considerations and the appropriate continuation of existing
25 improvements that are necessary to assure a smooth transition of authority
26 from the other organization back to the school district governing board.

27 X. If an alternative operation plan is provided pursuant to subsection
28 V of this section, the state board of education shall pay for the operation
29 of the school and shall adjust the school district's student count pursuant
30 to section 15-902, soft capital allocation pursuant to section 15-962,
31 capital outlay revenue limit pursuant to section 15-961, base support level
32 pursuant to section 15-943, monies distributed from the classroom site fund
33 established by section 15-977 and transportation support level pursuant to
34 section 15-945 to accurately reflect any reduction in district services that
35 are no longer provided to that school by the district. The state board of
36 education may modify the school district's revenue control limit, the
37 district support level and the general budget limit calculated pursuant to
38 section 15-947 by an amount that corresponds to this reduction in services.
39 The state board of education shall retain the portion of state aid that would
40 otherwise be due the school district for the school and shall distribute that
41 portion of state aid directly to the organization that contracts with the
42 state board of education to operate the school.

43 Y. If the state board of education determines that a charter school
44 failed to properly implement its improvement plan, the sponsor of the charter
45 school shall revoke the charter school's charter.

1 Z. If there are more than two schools in a district and more than
2 one-half, or in any case more than five, of the schools in the district are
3 designated as schools failing to meet academic standards for more than two
4 consecutive years, in the next election of members of the governing board the
5 election ballot shall contain the following statement immediately above the
6 listing of governing board candidates:

7 Within the last five years, (number of schools) schools in the
8 _____ school district have been designated as "schools
9 failing to meet academic standards" by the superintendent of
10 public instruction.

11 AA. At least twice each year the department of education shall publish
12 in a newspaper of general circulation in each county of this state a list of
13 schools that are designated as schools failing to meet academic standards.

14 BB. The failing schools tutoring fund is established consisting of
15 monies collected pursuant to section 42-5029, subsection E as designated for
16 this purpose. The department of education shall administer the fund. The
17 department of education may use monies from the fund to purchase materials
18 designed to assist students to meet the Arizona academic standards and to
19 achieve a passing score on the Arizona instrument to measure standards test
20 in order to graduate from high school.